

Message Text

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ACTION IO-13

INFO OCT-01 ADP-00 SSO-00 NSCE-00 USIE-00 INRE-00 CCO-00

CIAE-00 DODE-00 PM-09 H-02 INR-09 L-03 NSAE-00 NSC-10

PA-03 RSC-01 PRS-01 SS-14 HEW-08 SR-02 ORM-03 AID-20

AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSR-01 IOE-00 /167 W
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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 8360

INFO USUN NEW YORK 8568

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E. O. 11652: GDS

TAGS: SOCI, ECOSOC

SUBJECT: HUMAN RIGHTS COMMISSION - RIGHT TO LEAVE (ITEM 9 C)

REF: GENEVA 1186

1. U. S. DRAFT RESOLUTION WAS TABLED PER REFTEL BUT NOT FORMALLY INTRODUCED. U. S. DELEGATION APPROACHED ON MARCH 19 BY MANY OTHER DELS EXPRESSING INTEREST IN THE RESOLUTION AND SUGGESTING REVISIONS. ITALIANS FEEL RESOLUTION TOO WEAK SINCE THEY WANT SUB- COMMISSION REPORT ON RIGHT TO LEAVE CONSIDERED AT NEXT SESSION ON HRC RATHER THAN IN 1975. AUSTRIANS MADE STRONG INTERVENTION IN GENERAL DEBATE URGING EFFORTS TO REMOVE BARRIERS TO FREEDOM OF MOVEMENT.

2. RUMANIANS OFFERED SEVERAL MODERATE SUGGESTIONS FOR IMPROVEMENT, MOST OF WHICH WE CAN ACCEPT.

3. MOST IMPORTANT, HOWEVER, WAS APPROACH BY USSR REP (MAKAYEV) TO US REP (HOFFMAN) OFFERING SUGGESTIONS ON THE DRAFT. HE WAS OBVIOUSLY RELIEVED THAT US STATEMENT HAD NOT REFERRED TO SOVIET JEWS AND HE WAS IN A MOST
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CONCILIATORY MOOD.

4. SOVIET SUGGESTIONS CONSIST OF ADDING REFERENCES TO THE UN CHARTER, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE COVENANT ON POLITICAL AND CIVIL RIGHTS IN OPERATIVE PARAS TWO AND THREE. IN SOVIET VIEW, THESE REFERENCES WOULD BALANCE THE RESOLUTION BY INDICATING SUPPORT FOR RIGHT TO RETURN AS WELL AS RIGHT TO LEAVE.

5. WE ARE PREPARED TO ACCEPT REFERENCES TO CHARTER AND DECLARATION BUT NOT TO COVENANT BECAUSE OF EXCEPTIONS TO RIGHT TO LEAVE CONTAINED THEREIN. IF AMENDMENT ON COVENANT PRESSED, WE PLAN TO ABSTAIN ON AMENDMENT AND EXPLAIN REASON.

6. WE HAVE REVISED TEXT TO TAKE INTO ACCOUNT ACCEPTABLE SUGGESTIONS. REVISION WOULD APPEAR AS E/ CN.4/ L 1239/ REV. 1 AS FOLLOWS:

THE COMMISSION ON HUMAN RIGHTS

MINDFUL OF THE IMPORTANCE OF ARTICLE 13 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS CONCERNING FREEDOM OF MOVEMENT,

WELCOMING THE STUDY OF DISCRIMINATION IN RESPECT OF THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY, PREPARED BY THE SUB- COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES,

RECALLING THE CONSIDERATION OF THIS QUESTION BY THE SUB- COMMISSION AT ITS 15 TH SESSION AND ADOPTION OF RESOLUTION 2 (XV),

1. AFFIRMS THAT ARTICLE 13 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS DEFINES AN ESSENTIAL RIGHT ON WHICH THE ENJOYMENT OF OTHER HUMAN RIGHTS AND FREEDOMS FREQUENTLY DEPENDS;

2. DEPLORES THE EXISTENCE OF ARBITRARY BARRIERS TO TRAVEL AND MIGRATION IMPOSED BY MANY COUNTRIES CONTRARY LIMITED OFFICIAL USE

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TO ARTICLE 13(2, THE UNIVERSAL DECLARATION OF HUMAN

RIGHTS AND THE CHARTER OF THE UNITED NATIONS;

3. URGES ALL MEMBER STATES TO GIVE CONSIDERATION TO THE DRAFT PRINCIPLES ANNEXED TO THE STUDY AND TO ADOPT MEASURES PERMITTING THE EXERCISE OF ONE OF THE ESSENTIAL HUMAN RIGHTS AFFIRMED UNDER ARTICLE 13(2) AND IN CONFIROMITY WITH THE CHARTER OF THE UNITED NATIONS AND THE DECLARATION OF HUMAN RIGHTS;

4. EXPRESSES ITS APPRECIATION TO JUDGE INGLES FOR THE STUDY OF DISCRIMINATION IN RESPECT OF THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY AND FOR HIS PRESENTATION OF THE REPORT TO THE 27 TH SESSION OF THE COMMISSION;

5. REQUESTS GOVERNMENTS WHICH HAVE NOT YET COMMENTED ON THE STUDY, AND IN PARTICULAR ON THE DRAFT PRINCIPLES ANNEXED TO THE STUDY, TO DO SO BY 30 JUNE 1974;

6. REQUESTS THE SUB- COMMISSION TO AUTHORIZE THE SPECIAL RAPPORTEUR TO UP- DATE THE STUDY FOR CONSIDERATION BY THE 27 TH SESSION OF THE SUB- COMMISSION AND TO SUBMIT AN INTERIM REPORT FOR CONSIDERATION BY THE COMMISSION AT ITS 30 TH SESSION. RIMESTAD

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